

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Revision of the Commission's Rules)	CC Docket No. 94-102
to Ensure Compatibility with)	
Enhanced 911 Emergency Calling Systems)	

To: Chief, Wireless Telecommunications Bureau

Petition for Limited Waiver

CenturyTel Wireless, Inc. ("CenturyTel Wireless"), pursuant to sections 1.3 and 1.925 of the Commission's Rules, 47 C.F.R. §§ 1.3 and 1.925, hereby requests a limited waiver of section 20.18(c) of the Commission's Rules.¹ Specifically, CenturyTel Wireless seeks an extension of time until July 26, 2002, in which to complete testing of its TTY digital compatibility software upgrades and perform any modifications that may be necessary to ensure compliance with the Commission's Rules.

An extension of time is justified because, as a rural wireless carrier, CenturyTel Wireless was not in a position to obtain and to initiate installation of the necessary software upgrade for TTY digital compatibility until June 2002. However, CenturyTel Wireless was able to complete installation of the software upgrades by June 30, 2002, and intends to complete testing of its upgrades as rapidly as possible. CenturyTel Wireless expects to complete testing of the upgrades by July 23, 2002. Depending on the results of these tests, CenturyTel engineers may need an

¹ Section 20.18(c) states:
(c) TTY Access to 911 Services. Licensees subject to this section must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY).
NOTE to paragraph (c): Operators of digital wireless systems must begin complying with the provisions of this paragraph on or before June 30, 2002.

additional few days in which to make certain minor network modifications that may prove necessary in light of the test results. CenturyTel Wireless therefore requests an extension of time until July 26, 2002.

Section 1.925(b)(3) of the Commission's rules states:

(3) The Commission may grant a request for waiver if it is shown that:

(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

(ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

47 C.F.R. § 1.925(b). In addition, under section 1.3 of its Rules, the Commission may grant a waiver of a requirement for good cause shown. 47 C.F.R. § 1.3.

Under section 1.925(b)(3)(i), CenturyTel Wireless qualifies for a waiver of the requirement to test its TTY digital software upgrades and to ensure compatibility of its network upgrades with the PSAPs. The underlying purpose of the Commission's digital TTY requirements, to ensure that digital TTY systems could be made available as quickly as possible, would be frustrated by application to the instant case because CenturyTel Wireless, as a rural carrier, was unable to obtain and install the necessary software until June 2002. This late delivery date did not leave sufficient time to complete testing and to make final modifications before June 30, 2002. CenturyTel Wireless placed its software upgrade purchase orders with its vendor, Nortel, in a timely fashion, and closely coordinated with its vendor in order to obtain the software with a reasonable amount of time to complete installation and testing. However, while installation was completed in a timely fashion, testing still required more time than was available in the month of June to meet the deadline. Because CenturyTel Wireless is taking every step to

47 C.F.R. § 20.18(c).

complete testing of its TTY software upgrades by July 23, 2002, and will make any necessary modifications to its system that will ensure its ability to transmit TTY 911 calls on or before July 26, 2002, all within weeks of the June 30, 2002 deadline, grant of this request for waiver would serve the public interest.

Under section 1.925(b)(3)(ii), application of the rule would be inequitable and unduly burdensome because, as a rural carrier, CenturyTel Wireless was not in a position to pursue the necessary software upgrade and obtain the software any sooner. All wireless carriers in the U.S. with digital networks were required to obtain, install, and test TTY digital equipment by June 30, 2002, and the Commission previously deemed six months (from the expected availability of the software by December 31, 2001) a reasonable period of time. However, as a practical matter, the larger carriers are able to obtain and install the software first, and it is quite difficult for smaller and rural carriers to obtain delivery as early. While CenturyTel Wireless sought timely delivery and installation of the necessary software upgrades in order to test the software by the June 30, 2002, deadline, the vendor's June delivery of the software did not provide CenturyTel Wireless with sufficient time to complete the necessary testing (although installation was accomplished by the deadline).

Although to receive a waiver, a petitioner need only fulfill the requirements of *either* subsection (i) *or* (ii) of Section 1.925(b)(3), in this case CenturyTel Wireless has fulfilled the requirements of *both* subsections. The unusual factual circumstances surrounding CenturyTel Wireless' TTY compliance – particularly its rural character and the concomitant burden of compliance – justify a waiver under § 1.925(b)(3)(ii). Further, the underlying purpose of the rule would be served by a grant of additional time to complete testing and ensure full compliance, thus justifying waiver under § 1.925(b)(3)(ii).

Moreover, grant of this Petition is clearly dictated by the Commission's precedent. CenturyTel Wireless' waiver request is for a shorter period of time than the waivers recently granted to similarly-situated rural carriers in *Revision of the Commission's Rules to Ensure Computability with Enhanced 911 Calling Systems*, CC Docket No. 94-102, Order, DA 02-15400, released June 28, 2002. Many of these carriers had not achieved nearly the degree of progress toward completion of installation that CenturyTel Wireless has already accomplished. Having granted those Petitions, the Commission cannot now deny the instant Petition from a similarly-situated licensee. See *Green Country Mobilephone, Inc. v. FCC*, 765 F.2d (D.C. Cir. 1985); *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965). Therefore, CenturyTel Wireless has justified its waiver request and asks that it be granted as in the public interest.

Respectfully submitted,

CENTURYTEL WIRELESS, INC.

A handwritten signature in black ink, reading "Nancy Kathleen Spooner", is written over a horizontal line.

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Dated: July 18, 2002